

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)

)

Plaintiff,)

)

v.)

) Case No. 10-00131-01-CR-W-FJG

DENNY RAY HARDIN,)

)

Defendant.)

"JUDICIAL NOTICE"
OF
"CONSTITUTION IN CRISIS"

COMES NOW, Denny-Ray Hardin, *sui juris* to give "JUDICIAL NOTICE" that "Officers of the Court" have engaged in criminal conduct to deprive the Defendant of his "Constitutional Rights" under the 1st, 4th, 5th, 6th, 9th, 11th and 14th Amendments and in violation of the United States Codes that regulate their conduct. The "JUDICIAL NOTICE" filed in this cause of action on September 30, 2010, presented "Congressional Mandate" lawfully establishing all officers of this court are 14th Amendment "UNITED STATES CITIZENS" required by "Oath of Office" to provide this "American Citizen" with a "Constitutional form of government". By this JUDICIAL NOTICE all are hereby lawfully informed of the "Disloyalty and asserting the right to strike against government" 18 USC 1918 (1) and (2), by MAGISTRATE Robert Larsen, Assistant UNITED STATES ATTORNEY Brian Casey, FBI AGENT Nathan VanSickle and FEDERAL PUBLIC DEFENDER Anita Burns who are actively engaged in Conspiracy against rights" 18 USC 241 and "Deprivation of rights under the color of law" 18 USC 242. These "Conspirators" have abandoned law and utilized Public authority to persecute, abuse, terrorize and intimidate Denny-Ray Hardin an American Citizen". Thus lawfully establishing the Constitution of the United States of America is in "Crisis".

STATEMENT OF TRUTH

I, Denny-Ray Hardin do hereby declare that the following acts are true and correct to the best of my knowledge and beliefs without purpose or intent to deceive or mislead.

- On November 4, 2008, MAGISTRATE Robert Larsen authorized an illegal search, by signing a "Search Warrant", without a signed statement of probable cause in violation of the 4th Amendment. (Evidenced by Court Record #08-SW-00133-REL). A "Criminal Complaint of "Bank Robbery" 18 USC 2113 was filed on November 24, 2008 which has not been prosecuted in clear "Obstruction of Justice" of "Misprison of felony" 18 USC 4. Three unanswered "Affidavits" were filed and ignored in the "UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI", in clear violation of the 1st Amendment right to "Petition for Redress of Grievances" and the 5th Amendment right to "Due process of Law".
- On May 10, 2010 FBI AGENT Van Sickle "Kidnapped" 18 USC 1201 the Defendant, without warrant, without complaint, without probable cause, without consent and brought him before Robert Larsen to answer an "Indictment" obtained through "Fraud" 18 USC 1001. Defendant informed MAGISTRATE Robert Larsen of his "Conflict of Interest", based upon point 1 above, and he refused to recuse himself. 28 U.S.C. 455 (b)(1) clearly establishes that any Judge who is biased and prejudicial "must" recuse himself. Recusal under section 455 is self-executing: a party need not file affidavits in support of recusal and the judge is obligated to recuse herself *sua sponte* under the stated circumstances. *Taylor v. O'Grady*, 888 F.2d 1189 (7th Cir. 1989). "Should a judge not disqualify himself, then the judge is in violation of the Due Process Clause of the U.S. Constitution". *United States v. Sciuto*, 521 F.2d 842, 845 (7th Cir. 1996). This is the 2nd violation of the 5th Amendment requirement of Due Process of Law by MAGISTRATE Robert Larsen. (Docket Text #7)
- A true statement of Jurisdiction was demanded under the "15 Statues at Large", by the Defendant on May 10, 2010 and MAGISTRATE Robert Larsen refused to state his

jurisdiction. (Evidenced by transcript 5/10/2010) Thus establishing MAGISTRATE Robert Larsen is acting without jurisdiction or authority of law in clear violation of due process of law afforded to all "American Citizens" by the 5th Amendment. Thus clearly establishing biased and prejudicial conduct, under 28 U.S.C. 455 (b)(1) MAGISTRATE Robert Larsen is clearly disqualified and refused to recuse himself. To date no statement of Jurisdiction is on the record. (Docket Text#7)

4. On May 12, 2010 Defendant filed a "Response to Indictment" "Response to Incarceration" and a "Judicial Notice/With 25 Exhibits". These filings were removed from the Court's Record by MAGISTRATE Robert Larsen in clear violation of 18 USC 101. Among these "Exhibits" was the "Search warrant" unlawfully signed by Robert Larsen, without a signed complaint or signed probable cause. Thus lawfully establishing Robert Larsen and Nathan VanSickle acted in clear "Conspiracy against rights" 18 USC 241 and violated the 4th Amendment by conducting illegal seizure without a proper warrant supported by probable cause. Defendant can produce date stamped filed copies, that are not present on the Docket Entries. Thus establishing the crime of destruction of evidence in a criminal case a felony crime 18 USC 101 by MAGISTRATE Robert Larsen. (Removed from Court File/Docket)

5. On May 13, 2010, MAGISTRATE Robert Larsen appointed "FEDERAL PUBLIC DEFENDER" Anita Burns to act as "Counsel" for the Defendant. Defendant demanded his right under the 6th Amendment to "Counsel of Choice" in open court, before witnesses and MAGISTRATE Robert Larsen refused to allow Defendant to terminate counsel. (Docket Text #19) MAGISTRATE Robert Larsen determined I was incompetent and would not allow me to represent myself. "Guilty until proven innocent". This is a clear violation of 28 USC 1654 that allows all people the right to represent one's self. "While the Constitution guarantees to a defendant in a criminal case, the right to be heard by counsel, it also allows him to be heard "by himself" and where he elects to appear for himself rather than by an attorney, he can not be compelled to employee counsel or to accept services assigned by the Court". People v. Shapirio,

188 MISC 363. Also see Johnson v. Zerbest 1938, Argersinger v. Hamlin 1972 and United States v. Lopez 2006.

1. On May 13, 2010 FEDERAL PUBLIC DEFENDER Anita Burns engage in "Fraud on the Court" (Docket Text #15) by presenting "false" declarations before the Court in violation of 18 USC 1623. Anita Burns claimed the "STATE OF MISSOURI" declared Defendant delusional. The "STATE OF MISSOURI" is a corporation who can not speak, write, contract or make any determination of competency. Unless Anita Burns can produce the "STATE OF MISSOURI" in open court for cross-examination lawfully allowed by 18 USC 4247(d) then "Fraud on the Court" is established by Anita Burns. Because Anita Burns (Docket Text #15) and Brian Casey (Docket Text #13) presented similar motions to the court on the same day "Prosecutorial Misconduct" is evident.
2. On May 13, 2010 MAGISTRATE Robert Larsen closed Court to all Motions of Defendant because he has appointed counsel. MAGISTRATE Robert Larsen acted in clear violation of 28 USC 452 that lawfully establishes Court is always open and by only allowing an attorney to file has established a "Monopoly" for attorneys in his court. "A judge is not court". People v. Zajic, 88 Ill. App. 3d 477, 410 N.E. 2d 626 (1980). This excuse has been repeatedly utilized by MAGISTRATE Robert Larsen to deny Defendant his 1st Amendment right to "Petition for redress of Grievances" and deny the 5th Amendment right of "Due Process of law". By MAGISTRATE Robert Larsen only allowing FEDERAL PUBLIC DEFENDER Anita Burns to file, and Anita Burns refusing to file anything on behalf of Defendant, further evidence of "Prosecutorial Misconduct" is present. MAGISTRATE Robert Larsen denied all filings of Defendant, with the statement you have counsel. Defendant has "Ineffective assistance of counsel". (Docket Text #16, #19, #34, #36)
3. On May 14, 2010 MAGISTRATE Robert Larsen "ordered" (without jurisdiction) Defendant to undergo mental evaluation to determine competency to stand trial, based upon the motions of Anita Burns and Brian Casey (Docket Text #18).

9. On May 24, 2010 MAGISTRATE Robert Larsen was served documents establishing him as a "Fiduciary" of this cause of action within 28 U.S.C. 455(b)(4) a Judge named as a "Fiduciary" must disqualify himself. 28 U.S.C. 455(e) clearly establishes this requirement can not be waived. The Supreme Court has also held that if a judge wars against the Constitution, or he acts without jurisdiction, he has engaged in treason to the Constitution. If a judge acts after he has been automatically disqualified by law, then he is acting without jurisdiction, and that suggest that he is engaging in criminal acts of treason, and may be engaged in extortion and the interference with interstate commerce. Because MAGISTRATE Robert Larsen held an "ex parte" hearing without Defendant (Docket Text #23) and "ordered" (without Jurisdiction) Defendant be placed in "Solitary Confinement" without phone, without mail and without visitation (Docket Text #20) establishing cruel and unusual punishment for exercising due process of law within the 5th Amendment. Treason is clearly present. This resulted in 119 days of cruel and unusual punishment by "Corrections Corporations of America" and "FEDERAL BUREAU OF PRISONS" based upon the unlawful order of MAGISTRATE Robert Larsen issued in violation of the 8th Amendment that prohibits such conduct.

10 Rather than sending me to a "Federal Medical Center" MAGISTRATE Robert Larsen sent me to a "Federal Detention Center" where Jeremiah Dwyer PhD, coined the "Knock down Quack" for declaring competent people incompetent, determined Defendant was delusional for his "Rigid Belief System" in the Constitution and his belief he can defend himself better than any "BAR ASSOCIATION MEMBER". The law allows 45 days for this evaluation, Defendant has been held 143 days. The report of the "Knock Down Quack" was issued over a month after it was due. A "mental evaluation" is required to be conducted by a 3 doctor panel not an isolated quack. Thus clearly establishing Defendant was denied a rightful evaluation MAGISTRATE Robert Larsen denied Defendant subpoena of the Doctor for cross-examination as allowed by 18 USC 4247(d) (Docket Text #29).

11. On September 7, 2010, Defendant filed a "Demand to Open Court" (Docket Text #33) which was denied (Docket Text #34) by MAGISTRATE Robert Larsen in clear violation of 28 USC 452, and in clear denial of due process of law required by the 5th Amendment, constituting the 4th violation of this law. By the statement you have counsel, Robert Larsen is denying all due process of law, that is lawfully required by the 5th Amendment. By the counsel, refusing to challenge Robert Larsen's criminal acts clear "Conspiracy against rights" 18 USC 241 and "Deprivation of rights under the color of law" 18 USC 242 is evident. "A Judge is not the court". People v. Zajic, 88 Ill. App. 3d 477, 410 N.E. 2d 626 (1980). Because the Clerk of the Court has refused to file "Habeas Corpus", allowed by 18 USC 4247(g), on 6/26/2010 clear evidence of "Conspiracy" to close court is present in this cause of action. Thus clearly establishing denial of due process of law required by the 5th Amendment.

12. On September 9, 2010, MAGISTRATE Robert Larsen, fraudulently claimed to have held a "Mental Evaluation Hearing" (Docket Text #29) that was devoid of all lawful requirements as follows:

"18 U.S.C. 4247 (d) - Hearing - At a hearing ordered pursuant to this Chapter the person whose mental condition is the subject of the hearing shall be represented by counsel and if he is financially unable to obtain adequate representation, counsel shall be appointed for him pursuant to section 3006 A. The person shall be afforded an opportunity to testify, to present evidence, to subpoena witnesses on his behalf and to confront and cross-examine witnesses who appear at the hearing."

The Clerk's minutes clearly show, "Defendant's oral motion to subpoena witnesses and continue the hearing are denied." (Docket Text #29) Thus establishing the 6th violation of the 5th Amendment right to due process of law. Anita Burns refused to present any evidence against the "Knock Down Quack" and acted in clear "Prosecutorial Misconduct" to aid and abet MAGISTRATE Robert Larsen to suppress

evidence of my competency. There is no opposition to any act of Defendant, the Prosecutor has not filed one motion in opposition, the Defense Counsel has remained silent. The record clearly shows MAGISTRATE Robert Larsen is "Practicing law from the bench" in violation of 28 USC 454 by denying all due process of law to the Defendant. There is nothing in the record to support his conduct.

On September 13, 2010 MAGISTRATE Robert Larsen, without jurisdiction, entered "Fraud on the Court" claiming to have administered due process of law where none is present. He claimed to have held a competency hearing, where he in fact denied Defendant the right to defend himself. MAGISTRATE Robert Larsen then created a "Report and Recommendation" that is clearly biased and prejudicial to his opinion. All of this makes sense if you take into consideration MAGISTRATE Robert Larsen is covering up his crimes, by these improper acts. (Docket Text #32)

13. On September 16, 2010, Defendant wrote Chief Judge Fernando J. Gaitan to inform him of the criminal conduct of MAGISTRATE Robert Larsen that denied subpoena in a "Mental Competency Hearing". This letter was accompanied by "Rights v. Corruption Part III" that shows clear "Ineffective assistance of Counsel" and "Prosecutorial Misconduct" by Anita Burns. The letter raised 3 objections to the proceedings, these are 1) jurisdiction 2) Objection to findings of Forensic Psychologist and 3) complaint. It also requested a "Preliminary Hearing" to determine if sufficient evidence is present to warrant a trial of the issues.

14. On September 22, 2010 Defendant sent Chief Judge Fernando J. Gaitan a "Judicial Notice" lawfully challenging the jurisdiction of the court in this cause of action. It was posted September 24, 2010 (Docket Text #35) and MAGISTRATE Robert Larsen claims he does not intend to act on this notice in his "Order" issued 9/30/2010 (Docket Text #36). Obviously MAGISTRATE Robert Larsen is incompetent in law failing to comprehend "Sui Juris", claiming they are Pro Se.

MAGISTRATE Robert Larsen fraudulently claims the authority to refuse to state his jurisdiction, is because I have counsel that was terminated 5/13/2010. Because Defendant mailed the "JUDICIAL NOTICE" postage prepaid and it had not been docketed as of 9/30/2010, has since been back dated to 9/24/2010 (Docket Text #35). Defendant had a second copy sent certified mail that was received by Chief Judge Fernando J. Gaitan on October 2, 2010, lawfully establishing jurisdiction is challenged in this cause of action. Therefore, jurisdiction must be stated on the record before any further sanctions can be imposed. Failure to establish jurisdiction will establish "Treason" 18 USC 2381, for any sanction imposed without jurisdiction.

15. Because MAGISTRATE Robert Larsen has forced Defendant into "Contract" by making him retain incompetent counsel (Anita Burns), clearly violating Defendant's "right to contract" 42 USC 1981, clear "Conspiracy to interfere with Civil rights" 42 USC 1985 (2)(3) and "Extortion" are present in this cause of action. "Extortion" is a "Racketeering Activity" defined in 18 USC 1961, that clearly has denied Defendant protection of law guaranteed to all "American Citizens" and all "Free Citizens of the Republic of Missouri. The "Corporate" (UNITED STATES OF AMERICA) government is now in violation of its "treaty" with the Republic of Missouri in violation of the 10th Amendment. As an "AGENT" of the "UNITED STATES OF AMERICA" Robert Larsen has inflicted cruel and unusual punishment, on a Defendant with malice, intent and knowledge to cause injuries to Denny-Ray Hardin in violation of the 8th Amendment. As of the 7th day of October, Denny-Ray Hardin has been held "Hostage" 18 USC 1203 for 150 days without warrant, without complaint, without probable cause and without bail required to be set by MAGISTATE Robert Larsen 18 USC 3041, but refused to date. MAGISTRATE Robert Larsen has unlawfully sought to have Denny-Ray Hardin declared incompetent to protect himself from Criminal prosecution for the "Crimes" outlined above, he personally committed. MAGISTRATE Robert Larsen is utilizing "Public Authority" to evade "Accountability" for his Criminal conduct.

This Court Lacks Jurisdiction

Once "due process of law" is denied all jurisdiction ceases, jurisdiction was challenged on May 10, 2010 and has not been stated on the record to date. Because Denny-Ray: Hardin is an "American Citizen" he is immune to any action commenced or prosecuted by a "Foreign State" (UNITED STATES OF AMERICA) by the 11th Amendment. Because this court has no jurisdiction to proceed, but has refused to release this "American Citizen" the "Constitution of the United States of America" is now in "Crisis". Unless all "Officers of this Court" go back under their lawfully required "Oath of Office" all are aiding and abetting the "Treason" 18 USC 2381 of Robert Larsen by clear "Insurrection and Rebellion" 18 USC 2383 in "Seditious Conspiracy" 18 USC 2384. The Chief Judge Fernando J. Gaitan has been personally served with the "JUDICIAL NOTICE" and to date has failed to act to protect the rights, privileges and immunities of this "American Citizen". Thus this case has now escalated into a "Constitutional Crisis".

Relief Requested

- A) Denny-Ray: Hardin demands his liberty be restored without denial or delay. Denny-Ray: Hardin demands his release from involuntary servitude, where his liberty has been unlawful seized in violation of the 5th Amendment without due process of law.
- B) Denny-Ray: Hardin seeks damages for the "False Arrest", "unlawful imprisonment" and "malicious persecution" conducted by "Foreign Agents" of the "UNITED STATES OF AMERICA" as established by the following:

Trezevant v. City of Tampa, 741 F. 2d 336 (11th Cir. 1984) Motorist illegally held 23 minutes on traffic charge was awarded \$25,000 in damages. (Sets foundation for \$75,000/hr. \$1,600,000/day).

Denny-Ray: Hardin demands \$1,600,000 per day from May 10 to date release

C) Denny-Ray: Hardin demands his right to due process of law under the 5th Amendment and his right under 42 USC 1981 to give evidence and testify against the following "FOREIGN AGENTS" who have committed crimes that have caused him injuries. These are as follows:

- * Robert Larsen - "Treason" 18 USC 2381, "Seditious Conspiracy" 18 USC 2384, "Insurrection and Rebellion" 18 USC 2383, "Kidnapping" 18 USC 1201, "Conspiracy against rights" 18 USC 241, "Deprivation of rights under color of law" 18 USC 242, "Concealment, removal or mutilation generally" 18 USC 2071, "Fraud" 18 USC 1001, "Hostage Taking" 18 USC 1203, "Interference with commerce by threat or force" 18 USC 1951, "Unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, involuntary servitude or forced labor" 18 USC 1592, "Perjury" 18 USC 1621, "False declarations before grand jury or court" 18 USC 1623.
- * Nathan VanSickle - "Bank Robbery" 18 USC 2113, "Conspiracy against rights" 18 USC 241, "Kidnapping" 18 USC 1201, "Deprivation of rights under color of law" 18 USC 242, "Interference with Commerce by threats or force" 18 USC 1951, "False declarations before grand jury or court" 18 USC 1623, "Fraud" 18 USC 1001, "Perjury" 18 USC 1621.
- * Brian Casey - "Seditious Conspiracy" 18 USC 2384, "Conspiracy against rights" 18 USC 241, "Deprivation of rights under color of law" 18 USC 242, "Interference with commerce by threat or force" 18 USC 1951, "False declarations before grand jury or court" 18 USC 1623, "Fraud" 18 USC 1001, "Perjury" 18 USC 1621.
- * Anita Burns - "Seditious Conspiracy" 18 USC 2384, "Fraud" 18 USC 1001, "Conspiracy against rights" 18 USC 241, "Deprivation of rights under color of law" 18 USC 242, "False declarations before grand jury or court" 18 USC 1623, "Unlawful conduct with respect to documents in furtherance of trafficking, peonage, slavery, involuntary servitude or forced labor" 18 USC 1592, "Perjury" 18 USC 1621, "Interference with commerce by threats or force" 18 USC 1951.

Final Notice to Chief Judge

Chief Judge Fernando J. Gaitan has been repeatedly petitioned to act in this cause of action and put down the "Conspiracy against rights" 18 USC 241. Within Title 42 a Judge informed of a "conspiracy" who refuses to take action to stop it is liable for injuries incurred. Through "JUDICIAL NOTICE" and letters of personal appeal, Chief Judge Fernando J. Gaitan has been lawfully informed and remained silent. This is clear "Misprison of Felony" 18 USC 4. Should he elect to remain silent after this final Notice, it will establish active participation in the ongoing "conspiracy". He has the lawful duty to stop the conspiracy and protect the Defendant from further trespasses of the conspirators. By his deeds let him be Known.

WHEREAS, the facts and laws contained herein are before this Court; WHEREAS, the foregoing is true and correct to the best of my knowledge and beliefs without purpose to mislead; WHEREAS, these truths are evidenced by Court's records, Docket entries, transcripts and testimony of witnesses present; WHEREAS, these truths are self evident and can not be defeated or altered by spoken words, therefore no arguement is requested; WHEREAS Defendant demands "inquisition" to bring the above named conspirators before a lawful judge to answer for their crimes against this "American Citizen"; WHEREAS, the "Constitution of the United States of America" is now in "Crisis" and all lawful authority of government ceases until this matter is resolved to the satisfaction of this "American Citizen"; WHEREAS, it is the "duty" of every "UNITED STATES CITIZEN" to provide this "American Citizen" a "Constitutional form of government" and all have failed to meet this lawful obligation; WHEREAS, it is the "duty" of every "UNITED STATES CITIZEN" to come to the aid of the "Constitution in Crisis" and put down the Insurrection of Robert Larsen and his band of conspirators; WHEREAS, Denny-Ray Hardin petitions all those loyal to the Constitution to come to his aid and secure his release from involuntary servitude by any lawful means available; WHEREAS

all "UNITED STATES CITIZENS" who refuse to answer this call for assistance are now "co-conspirators" of the "Seditious Conspiracy" to over throw the "Constitution of the United States of America", WHEREAS disloyalty to the Constitution of the United States of America is punishable under 18 USC 1918, every "UNITED STATES CITIZEN" holding an "Oath of Office" is a 14th Amendment Citizen required to protect the life, liberty and property of every "American Citizen"; WHEREAS, Denny-Ray Hardin is a "Sovereign without subjects" he is lawfully entitled to every due process of law under the 5th Amendment and every Judge is duty-bound to make sure he receives it, failure to do so constitutes Treason" 18 USC 2381, refusal to prosecute "Treason" constitute "Misprison of Treason" 18 USC 2382; WHEREAS every Judge who receives this and fails to come to the aid of this "American Citizen" is guilty of the foregoing crimes. THEREFORE, Denny-Ray Hardin seeks due process of law without sale, denial or delay as a "Free Born American Citizen" of the "Republic of Missouri" within the 5th Amendment of the "Constitution of the United States of America." In GOD I trust, justice will be served.

Denny Ray Hardin Sui Juris
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Proof of Service

I, Denny-Ray Hardin do hereby certify that a copy of the foregoing was mailed postage prepaid to Chief Judge Fernando J. Gaitan on this 6th day of October, 2010.

Denny Ray Hardin Sui Juris
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